

REMARKS

Claims 1 to 13 are pending in this application, of which claim 1 and 11 are independent. Favorable reconsideration and further examination are respectfully requested.

Initially, the Examiner objected to the Abstract because it allegedly contains "(Figure 2)" in line 12. Applicant had previously amended the Abstract in the Preliminary Amendment so that it does not contain "(Figure 2)". However, as shown above, Applicant has amended and replaced the amended abstract with a new abstract.

The Examiner objected to the specification because the specification did not including a claim to priority. As shown above, Applicants have added a statement claiming priority to a PCT application and a German application. The Examiner also objected to a punctuation error in claim 13. Applicant has amended claim 13 to remove the punctuation error.

Turning to the art rejections, claims 1 to 4, 7 to 9 and 11 to 13 were rejected under 35 U.S.C. § 102(e) over Smith et al. (U.S. Patent No. 5,129,080). As shown above, Applicant has amended the claims to address informalities, and to put the claims into understandable English. These changes are not believed to change the scope of the claims. Accordingly, this should be regarded as a traversal of the art rejection.

Claim 1 is directed to a system for installing telecommunications software. The system includes a control computer to control the installation of telecommunications software. The control computer includes a memory to store control software and work data. The memory includes memory areas and control software is allocated to at least two memory areas. The control software of one of the at least two memory areas designated as active control software and the control software of other of the at least two memory areas designated as passive control

software. The control computer controls the installation of the telecommunications software using the active control software.

The applied art is not understood to disclose or suggest the foregoing features of claim 1. In particular, Smith does not disclose or suggest a control computer including memory having memory areas, one of the memory area includes active control software and the other of the memory areas includes passive control software.

In this regard, Smith describes a system having “two independent address spaces 20, 20’ in two separate computers 22, 22’” (see column 4, lines 7 to 9 of Smith). Address space 20 includes Primary Address Space (PAS) 20 and address space 20’ includes Secondary Address Space (SAS) 20’ (see FIG. 2C of Smith and column 4, lines 7 to 14 of Smith). However, nowhere does Smith indicate a memory having memory areas that include a PAS and a SAS. Instead, PAS and SAS are located in separate memory on memories on separate computers.

Furthermore, Smith states that “the only constraint imposed by the invention is that the PAS and the SAS of any single OU must be in two different processors if processor failures are to be guarded against” (see column 5, lines 40 to 43 of Smith). Therefore, Smith teaches away from a control computer having memory, which includes memory areas having a PAS and a SAS.

Moreover, Smith does not disclose or suggest a control computer. Smith describes an Availability Management Function (AMF); however, the AMF is not described in Smith as a computer. Further, FIGS. 3A-3F show the AMF as being separate and distinct from the PAS and

the SAS. Thus, even if the AMF is considered a computer, it does not include memory having memory areas that include the PAS and the SAS.

Therefore, Smith does not disclose or suggest a control computer including memory having memory areas. One memory area includes active control software and other memory areas include passive control software. Applicant requests withdrawal of the art rejection.

For at least the foregoing reasons, Applicant submits that claim 1 is allowable.

Claim 11 is a method claim that roughly corresponds to claim 1. Applicant submits that claim 11 is allowable for at least the same reasons as claim 1 is allowable.

Applicant submits that all dependent claims now depend directly or indirectly on allowable independent claims.

In view of the foregoing amendments and remarks, Applicant believes that the entire application is now in condition for allowance. Such action is respectfully requested at the Examiner's earliest convenience.

It is further believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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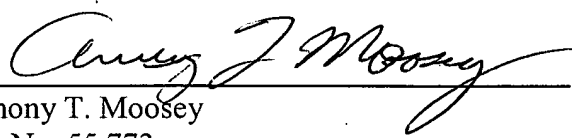
Attorney's Docket No.: 12758-
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The correspondence address for Applicant's attorney is shown below. Applicant's attorney may also be reached by telephone at (617) 521-7812.

Enclosed in a \$420 check for the Two-Month Extension of Time Fee. No other fee is believed to be due for this Amendment; however, if any other fees are due, please apply such fees to Deposit Account No. 06-1050 referencing Attorney Docket 12758-059US1.

Respectfully submitted,

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